

the duties and powers devolving upon the Board.

The compensation of the members of the Board shall be a per diem of \$10.00 per day for each day, exclusive of Sunday, when performing their duties at the main office in Austin, Texas, and \$10.00 per day, inclusive of Sunday, when performing their official duties when away from the main office at Austin, Texas, and in addition to the per diem provided for herein, they shall be entitled to their actual traveling expenses. Each Board member shall make out, under oath, a complete itemized statement of the number of days engaged and the amount of their expenses when presenting same for payment."

Sec. 2. That Sec 28 of H. B. No. 104, passed at the First Called Session of the Forty-first Legislature, be, and the same is hereby amended to read as follows:

"Sec. 28. The State Board of Health shall make, establish and promulgate reasonable sanitary rules and regulations for the conduct of barber shops and barber schools. Said Board by and through the Health Department of the State of Texas, shall have authority, and it is made its duty to enter upon the premises of all barber shops and barber schools and inspect same at any time during business hours. That a copy of the sanitary rules and regulations adopted by said Board shall be furnished to the secretary of the State Board of Barber Examiners who shall in turn forward to each barber and barber school a copy of same. That a copy of the sanitary rules and regulations promulgated and adopted by the State Board of Health shall be kept posted in all barber shops and barber schools in this State.

Sec. 3. The fact that Sections 27 and 28 of H. B. No. 104, passed at the First Called Session of the Forty-first Legislature, are unworkable and are objectionable to the Governor, and the fact that it is desirable and would be advantageous to amend said two sections authorizes the suspension of the constitutional rule requiring bills to be read on three several days in each House and said rule is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

## NINTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, June 13, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russell.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin. Small.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

## Petitions and Memorials.

(See Appendix.)

## Committee Reports.

(See Appendix.)

## Bills and Resolutions.

By Senator Pollard.

S. B. No. 130, A bill to be entitled "An Act making appropriations out of the State Highway Fund to pay claims of certain persons, firms and corporations for money erroneously paid to the State Highway Fund for license fees on seating capacity of motor vehicles as provided by Article 820 to the Penal Code of Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Love.

S. B. No. 131, A bill to be entitled

"An Act making provision for advancements out of the General Revenue Fund under certain circumstances, and repayment of same; making an appropriation to supplement the Pension Fund; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Thomason.

S. B. No. 132, A bill to be entitled "An act relating to the duties of the County Board of Education and the County Superintendent of Counties with an area of eight hundred and eighty-nine square miles and a population of not less than 12,000 nor more than 15,000 according to the last preceding Federal census; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Wirtz.

S. B. No. 133, A bill to be entitled "An Act fixing the compensation of District Attorneys in each Judicial District in this State containing five or more counties having a combined population, according to the 14th census of the U. S. of the year 1920, of not less than 98,740, nor in excess of 98,750; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Woodward.

S. B. No. 134, A bill to be entitled "An Act providing for the creation of an 'Agricultural Commission;' etc., and declaring an emergency."

The bill was read first time and referred to Committee on Agriculture.

By Senator Thomason.

S. B. No. 135, A bill to be entitled "An Act to authorize the Board of Control by and with the consent of the Governor to select and set aside so much of the lands of the Texas Penitentiary at Rusk, Texas, as may be requisite, and necessary for the use of Rusk State Hospital, except lands heretofore set aside to the Agricultural and Mechanical College for re-forestation purposes, etc., and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Patton.

S. B. No. 136, A bill to be entitled "An Act authorizing the Commissioners' Court of Houston County, Texas to cooperate with the State Highway department in the construction of a bridge across the Trinity river between Houston County and Madison County; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Neal.

S. B. No. 137, A bill to be entitled "An Act fixing the salary of the official court reporter in every judicial district of this State composed of two counties having a combined population of not less than 60,300 and not more than 60,400 according to the latest U. S. Census; providing for the payment of said salary, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Miller.

S. B. No. 138, A bill to be entitled "An Act amendatory of an Act passed at the First Called Session of the Forty-first Legislature designated as Senate Bill No. 62, and filed in the office of the Secretary of State on the 7th day of June, A. D. 1929, authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham.

S. B. No. 139, A bill to be entitled "An Act to amend Chapter 6 Title 93, R. C. S. 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to public weighers; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby.

S. B. No. 140, A bill to be entitled "An Act authorizing the Commissioners' Court of the several counties in Texas to issue refunding bonds for the purpose of refunding road bonds that have been issued by authority of statutes enacted pursuant to section 52 of Article 3 of

the Constitution of Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane.

S. B. No. 141, A bill to be entitled "An Act fixing an open season or period of time for hunting, taking or killing wild mourning doves in Archer, Baylor, Clay, Knox, Wichita or Young counties, and making it unlawful to hunt, take or kill same at any other time of the year; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

#### **Free Conference Committee Appointed.**

The Chair appointed the following Free Conference Committee on the part of the Senate on H. B. No. 5:

Senators Pollard, Cunningham, Miller, Cousins, and Small.

#### **Senator Excused.**

On motion of Senator Parrish Senator Small was excused for the day on account of important business.

#### **Messages from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives  
Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the following resolution:

S. C. R. No. 8, Providing for the appointment of a joint Committee to draft a Confederate Pension Bill.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 97, A bill to be entitled "An Act to provide for the appointment of one deputy sheriff in each

county containing a population of not less than 10,040 nor more than 10,050, as shown by the preceding Federal census and authorizing the payment of salary out of the general fund of the county and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay salaries of officers and employees of certain eleemosynary institutions of the State; etc., and declaring an emergency."

Amended as substituted.

H. B. No. 113 A bill to be entitled "An Act to amend Section 4, of Chapter 31, of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature at its First Called Session," the same being a special road law for Robertson county; said Section 4 authorizing the commissioners court to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and levy a tax in payment thereof, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 7, Requesting the Commissioner of Agriculture to appoint a suitable person to appear in Washington and present certain facts before the Agriculture Committee of Congress.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

#### **Simple Resolution No. 11.**

Senator Love sent up the following resolution:

Whereas, The Senate, at the Regular Session of the Forty-First

Legislature, appointed a Committee to inquire into the legality of certain Text Book awards made by the present Text Book Commission; and

Whereas, On March 12, 1929, majority and minority reports of said Committee were filed, which were printed in the Journal and otherwise published within the State; and,

Whereas, After the adjournment Sine Die of the Regular Session of the Forty-First Legislature, on March 16, 1929, the Governor and the State Superintendent of Public Instruction sent to the Press of this State, a statement for publication, answering, on behalf of themselves and the State Text Book Commission, the strictures and criticisms contained in the said majority report, which report was not generally published by the press of the State, now, therefore, be it,

Resolved, That the Governor be requested to transmit to the Senate, to be published in the Journal, a copy of the said statement, given to the Press on March 16, 1929, to the end that their version of the matters referred to in said report, may be conveyed to the public for its information.

LOVE,  
WOODWARD,  
PARRISH,  
HOLBROOK.

The resolution was read.

Senator Wirtz moved to table the resolution. The motion was lost by the following vote:

Yeas—3.

Cunningham. Wirtz.  
Parr.

Nays—19.

Berkeley.	Moore.
Cousins.	Neal.
DeBerry.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Woodul.
McFarlane.	

Absent.

Beck.	Williamson.
Gainer.	Witt.
Miller.	Woodward.
Russek.	

Absent—Excused.

Martin. Small.

The resolution was adopted.

S. C. R. No. 10.

Senator Moore sent up the following resolution:

Whereas, The streets traversing the State Capitol grounds were constructed for use of private individuals, citizens, and tourists, and

Whereas, Said streets were not constructed for extra heavy traffic, and

Whereas, Traffic on said streets is unusually heavy and at times seriously congested because of the large number of privately owned automobiles passing through said Capitol grounds, and

Whereas, The said Capitol ground Streets are now being used by a transportation company, receiving and discharging passenger, at frequent intervals which further congests traffic on said streets, and

Whereas, The said transportation company is using said streets without authority of any official body or individual,

Therefore be it Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Board of Control be and is hereby directed to request the said transportation company to discontinue use of the Capitol streets for any purpose whatsoever;

Be it further Resolved, That it is the sense of the body that the said transportation company can receive and discharge passengers at the gate of the Capitol grounds and thus render the same service as rendered by use of the Capitol streets, be it further

Resolved, That it is also the sense of the body that heavily loaded commercial trucks, buses and commercial vehicles of all kinds be denied the use of the Capitol Ground Streets and the Board of Control is hereby further directed to prevent such use of said streets.

Moore, Berkeley, Hyer, McFarlane, Parr, Hornsby, Williamson, Woodward, Love, Cunningham, Pollard, Westbrook, Hardin, Stevenson, Gainer, Thomason, Woodul, Patton, Cousins.

The resolution was read and adopted.

**House Bill Referred.**

H. B. No. 113 referred to Committee on State Highways and Motor Traffic.

**Bill Signed.**

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 97.

**Free Conference Requested.**

On motion of Senator Pollard, the Senate refused to concur in the House amendments to S. B. No. 5 and asked for a Free Conference Committee.

The Chair appointed the following on the part of the Senate:

Senators Pollard, Beck, DeBerry, McFarlane, Patton.

**House Bill No. 2.**

The Chair laid before the Senate on second reading the following bill: By Mr. Wallace:

H. B. No. 2, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The Agricultural and Mechanical College of Texas, State Experiment Station, the North Texas Junior Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, the University of Texas (including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso), College of Industrial Arts, Texas Technological College, East Texas State Teachers' College at Commerce, North Texas State Teachers' College at Denton, Sam Houston State Teachers' College at Huntsville, Stephen F. Austin State Teachers' College at Nacogdoches, College of Arts and Industries at Kingsville, Southwest Texas State Teachers' College at San Marcos, Sul Ross State Teachers' College at Alpine, West Texas State Teachers' College at Canyon, Texas School for the Blind and Texas School for the Deaf, for years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Read second time.

Senator Thomason moved the previous question on the adoption of of the committee report carrying a substitute bill. The motion prevailed.

The committee report was adopted by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Nays—2.

DeBerry.	McFarlane.
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Absent.

Greer.	Miller.
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Absent—Excused.

Martin.	Small.
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Senator Patton sent up the following amendment:

Amend H. B. No. 2 by striking out figure 40,000 in each column and inserting in lieu thereof figure 60,000 in each column.

PATTON.

The amendment was read.

Senator Thomason moved the previous question on the amendment and the bill. The motion prevailed by the following vote:

Yeas—19.

Beck.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Moore.	Williamson.
Neal.	Witt.
Parr.	

Nays—8.

Berkeley.	McFarlane.
Cunningham.	Wirtz.
DeBerry.	Woodul.
Holbrook.	Woodward.

Absent.  
Greer. Miller.  
Absent—Excused.  
Martin. Small.

The amendment was adopted by the following vote:

Yeas—22.  
Beck. Parrish.  
Berkeley. Patton.  
Cousins. Pollard.  
Cunningham. Russek.  
Gainer. Stevenson.  
Hardin. Thomason.  
Hyer. Westbrook.  
Love. Williamson.  
Moore. Woodul.  
Neal. Woodward.  
Parr.

Nays—3.  
DeBerry. McFarlane.  
Holbrook.

Absent.  
Greer. Wirtz.  
Hornsby. Witt.  
Miller.

Absent—Excused  
Martin. Small.

The bill as amended passed to third reading by the following vote:

Yeas—24.  
Beck. Parrish.  
Berkeley. Patton.  
Cousins. Pollard.  
Cunningham. Russek.  
Gainer. Stevenson.  
Hardin. Thomason.  
Hornsby. Westbrook.  
Hyer. Williamson.  
Love. Wirtz.  
Moore. Witt.  
Neal. Woodul.  
Parr. Woodward.

Nays—4.  
DeBerry. Holbrook.  
Greer. McFarlane.

Absent.  
Miller.  
Absent—Excused.

Martin. Small.

On motion of Senator Pollard, the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—25.  
Beck. Parrish.  
Berkeley. Patton.  
Cousins. Pollard.  
Cunningham. Russek.  
Gainer. Stevenson.  
Greer. Thomason.  
Hardin. Westbrook.  
Hornsby. Williamson.  
Hyer. Wirtz.  
Love. Witt.  
Moore. Woodul.  
Neal. Woodward.  
Parr.

Nays—3.  
DeBerry. McFarlane.  
Holbrook.

Absent.  
Miller.  
Absent—Excused.

Martin. Small.  
Recess.

On motion of Senator Hyer, the Senate, at 12:03 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.  
The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Point of No Quorum.  
The point of order that no quorum was present was raised. The roll call showed the following present:

Beck. McFarlane.  
Berkeley. Moore.  
Cousins. Neal.  
Cunningham. Parr.  
DeBerry. Parrish.  
Gainer. Pollard.  
Greer. Russek.  
Holbrook. Thomason.  
Hornsby. Williamson.  
Hyer. Woodul.  
Love. Woodward.

Absent.  
Hardin. Patton.  
Miller. Stevenson.

Westbrook. Witt.  
Wirtz. Absent—Excused.

Martin. Small.

### House Bill No. 2.

The question recurred upon the final passage of H. B. No. 2.

On motion of Senator Hyer, the previous question was ordered on the final passage of the bill by the following vote:

#### Yeas—21.

Beck.	Parrish.
Cousins.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

#### Nays—5.

Berkeley.	Holbrook.
Cunningham.	McFarlane.
DeBerry.	

#### Absent.

Miller.	Wirtz.
Patton.	

#### Absent—Excused.

Martin.	Small.
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Read third time and finally passed by the following vote:

#### Yeas—23.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Moore.	Witt.
Neal.	Woodul.
Parr.	

#### Nays—4.

DeBerry.	Holbrook.
Greer.	McFarlane.

#### Absent.

Miller.	Woodward.
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#### Absent—Excused.

Martin.	Small.
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#### Motion to Print.

Senator Hornsby moved to have printed in the Journal certain figures submitted to Senator Pollard. The motion prevailed.

(See Appendix.)

#### Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

#### Executive Office.

Austin, Texas, June 13, 1929.

To the Honorable Senate:

Complying with the request contained in your Resolution adopted this morning, the following is a copy of the statement mentioned:

#### Some Pertinent Facts Relative To Text-Book Adoptions.

Austin, Texas, March 16, 1929.

The Senate Committee which was appointed to inquire into the legality of certain text-book awards filed two reports on last Tuesday. The report signed by two members of the committee was to the effect that contracts should not be made on certain awards, because of their belief that such contracts would be illegal. This report also criticized the other awards as tending to extravagance. The report filed by the third member of the committee was to the effect that contracts made on these awards would be legal. The report of the two members was later withdrawn and amended to eliminate criticism of the economy of the awards. On Thursday, just before adjournment, the Senate postponed action on this amended report. But before the Senate acted on the original report, and before it was withdrawn, the newspapers carried items, which are calculated to mislead. No contracts have been signed; only awards have been made.

With reference to the economy with which the text-book law has been administered, the actual facts as to what text-books have cost the State are the best test for economy. The average cost for the first seven years that the free text-book law was in force was \$1.629 per pupil per year. The last year, the average

cost per pupil has been only 96.6 cents, or a saving of more than \$.66 per pupil. The cost during the present school year; that is, up to March 1, has been only 76.4 cents per pupil. In order to determine how much this saving amounts to per annum you only have to multiply the annual saving per pupil by the number of scholastics; that is multiply the amount of the reduction in cost per pupil by 1,402,000, the number of school children in Texas, and it will be seen whether or not the text-book law has been administered extravagantly or economically.

The original report, which was later withdrawn, but which had been carried in news items before its withdrawal, questioned the economy of the award on geographies. The geographies in use in the public schools of Texas are published by the American Book Company in a two-book series being an elementary geography and an advanced geography. The elementary geography costs the State \$1.197, the advanced geography \$1.683. This contract was let in 1922, and when it expired the present Text Book Commission refused to renew it. The people of Texas will recall that at the time this contract was made the American Book Company proposed to reduce its bid ten per cent, but this proposal was rejected and the contract was made at the prices just quoted. During the time this contract has been in force the American Book Company has received from the State of Texas for its geographies \$1,081,581.10, which means that the American Book Company received from the school children of Texas \$108,158.11 more money under this contract than it would have received if the reduction had been accepted when the contract was let seven years ago. The Text Book Commission refused in 1928 to renew that contract, and neither of us have any apologies to make to anyone for refusing to renew this contract. The American Book Company offered the same books to the State of Texas in 1928 at \$1.05 for the first book and \$1.47 for the second book. The reader can figure the reduction himself; it is more than the ten per cent reduction proposition in 1922; and we have no way of figuring the unfair profits paid

by the State under the old contract. The members of this Text Book Commission refused to pay the American Book Company more for its geography than they would have to pay for as good a book by another publisher. The prices at which this Text Book Commission made an award for a geography were, for the elementary book \$.90, and for the advanced book \$1.15. In other words, under the geography award made by this Commission the State will save \$.15 on every elementary book and \$.32 on every advanced book as compared with the prices offered by the American Book Company in its bid for a renewal contract. With 300,000 children studying the elementary book, and with approximately 250,000 studying the advanced book, it can readily be seen what the saving will be to the school fund by reason of having made the award for the lower priced book. In the last five years the schools of Texas bought under the American Book Company's contract, which this Commission refused to renew, 318,746 copies of the first book and 415,949 copies of the second book. If an equal number of books are used in the schools during the next five years, the difference in the price at which the American Book Company's book was offered and the price at which the new award was made to the other company would represent a saving on the first book of \$47,811.90 and of \$133,103.68 on the second book, or a total of \$180,915.58. If we do not have to buy that many books, the saving will be proportionately less; even if we need only ten books they will cost us less under this award than if the Commission had re-adopted the American Book Company's book. We believe this to be economy and not extravagance.

It is said that there are many of the American Book Company's books on hand, and that is true, but approximately 90% of these books have been in use from four to five years, and there can be no doubt that many of them will have to be replaced within one year. The law allows a period of three years for the gradual introduction of new books, and we have a three-year period under which we can exchange old books for new ones and get a credit on the new ones. This



will enable the schools to use up and receive the full value of the American Book Company's geographies now on hand. We believe that if we can divorce the American Book Company from the school funds of Texas we will have rendered a substantial service to the taxpayers that furnish the funds for the education of our children.

The majority report, which was later withdrawn, called into question the economy of the arithmetic award. The book now in the schools is a three-book series. The first book of the series costs less than the second and the second a little less than the third. The average cost of the series is \$.52 per book. Arithmetic begins with the third and goes through the seventh grade in such schools as follow the prescribed course of study. If the prescribed course of study is carried out every school child from the third grade through the seventh grade would have a book under the present contract costing an average of \$.52 per book. The scholastic enrollment for the third, fourth, fifth, sixth and seventh grades is approximately 700,000. The first book is used in the third and fourth grades; the second book is used in the fifth and sixth; and the third book is used in the seventh grade. Thus to illustrate, under a three-book series, the third grade children carry not only the material for their third grade work but also the material for the fourth grade, and likewise the fourth grade children have the work of the third grade, as well as the fourth, and so as to the fifth and sixth grades. To avoid having to supply third grade pupils with fourth grade material and the fourth grade pupils with the third grade material and so on, the Commission adopted a five-book series, one book for each grade. This series costs an average of \$.33 per book, an average saving of \$.19 per scholastic studying arithmetic as compared with the three-book series. If every school child in the grades in which arithmetic is taught is furnished with this arithmetic, the saving of an average of \$.19 per book for approximately 700,000 children will total approximately \$133,000.00. Again this impresses us as good economy.

This report, which was later with-

drawn, drew certain comparisons between the price paid in Louisiana and Mississippi for books and the price paid in Texas, and charged that the books cost more in Texas than in Louisiana. This statement was in conflict with statements contained in the committee report itself, for in each instance the report showed that the actual outlay to Texas for the books mentioned was less than what the States of Louisiana and Mississippi paid for the same books. In Texas the publishers deliver books to us at the depository, at the lowest wholesale price at which the books are sold at the factory door of the publisher. The law prescribes that if they do not deliver books at such prices, the books shall not be bought; and this commission does not buy them. In Louisiana the publisher pays a commission to the depository agent which distributes its books, and if you deduct what the company pays its agents for the distribution of its books in Louisiana from what the company receives from the State of Louisiana, the net to the company may be less than what the State of Texas pays for the books, but for proper standards of comparison, you have yet to deduct from the price paid by Texas the expense to the publishers in bringing their books to Texas and in turning them over to our schools. Those figures are not available, and we do not know them, but the important fact is that Texas pays out less from its school fund for each book mentioned than Louisiana and Mississippi pay for the identical book.

The following illustrates the point just made: (1) The McMurray-Parkins Elementary Geography was bid to the State of Texas at \$.90 per copy. For this book the State of Louisiana is paying \$.955. (2) Beard's History of the United States by Macmillan Company was bid to Texas at \$1.47 per copy. The same book costs the children of Mississippi \$1.50. (3) Shepherd's Geography for Beginners by Rand, McNally and Company was bid to the State of Texas at \$.66 per copy. For this book the children of Arkansas pay \$.81 per copy. (4) The Open Road to Reading, fourth, fifth, and sixth readers, published by Ginn & Company was bid to the State of Texas at \$.48, \$.51, and

\$.57, respectively. For these books, the children of Louisiana pay \$504 \$.531, and \$.594, respectively. (5) The Advanced Geography published by Rand, McNally Company was bid to Arkansas at \$1.135, and in Texas, at \$1.10. (6) Millikan and Gale's Elements of Physics, adopted in Texas in 1928, at \$1.25 per copy is sold to the children of Mississippi at \$1.42 per copy.

In Louisiana the publisher delivers the books to the parish school, while in Texas the delivery is made f. o. b. the Texas depository of the publisher. The item of freight paid by the State in Texas from the depository to the school amounts to approximately 2% of the cost of the book; and when this is added to the cost of the book, Texas is still paying less for the books mentioned than the states named pay.

The report which was withdrawn also criticized the adoption of certain supplementary readers. The law provides that not more than four supplementary readers may be adopted for each elementary grade. Formerly this provision was not in our law, and in the past textbook commissions have had as many as nine supplementary readers for some of the elementary grades. The 1928 Text Book Commission not only did not adopt more than four supplementary readers for any grade, but it arranged the terms of the contracts so that hereafter no commission will have to adopt in any year more than one set of supplementary readers for any one grade. The teachers of the State claim that the supplementary reader feature of the text book law is of perhaps greater value to our educational system than any other feature of the law. There is no such thing as exchange in supplementary readers, for the schools keep them and use them over and over again until they are worn out and of no further use. Thus a change in contracts does not result in a loss to the state.

The present Board of Education and Text Book Commission have favored the plan of re-binding and re-conditioning used text books in order that the schools might get the greatest benefit possible out of the money expended for books. When this proposition was first advanced,

it was met with strenuous opposition by the representatives of the American Book Company, who did not want us to adopt the economy of re-conditioning text books, but wanted to replace used books with new ones at the high prices they had formerly put over on the school fund of Texas. Notwithstanding their opposition, a contract was made. Books are being rebound and re-conditioned successfully, and this year, according to the estimate of the Department of Education, this re-binding will save the school fund of Texas approximately a quarter of a million dollars. The American Book Company is not satisfied with this sort of handling of the text book business; and neither of us are satisfied with the American Book Company's past method of doing business with Texas. We are concerned in saving money for the school fund and the tax-payer, while the American Book Company is concerned in making money from the taxpayer. We do not want the State of Texas tied up in any more contracts like the American Book Company geography contract.

Neither of us would make any reference to this matter except for the fact that before the report was withdrawn, it was published in the newspapers and misunderstandings may have been created thereby. We mean absolutely no criticism of the members of the committee, for as soon as their attention was directed to certain facts they withdrew the report, but could not do it until the same had been carried in the press.

The men and women who composed the 1928 Commission are Texas teachers of unquestioned integrity and ability. In the discharge of their duty they spent weeks of arduous and conscientious work, and in the end they made only such adoptions as were, in their judgment, for the best interest of the schools, taking into consideration the merits of the books, the prices at which they were offered, and the provisions of the statutes governing their work as the same were interpreted by the Attorney General's Department. We make this statement in behalf of the patriotic, conscientious ladies and gentlemen who serve on this Commission and hold no office.

The foregoing statement was is-

sued by S. M. N. Marrs and me on March 16, 1929, and delivered to representatives of the press.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

#### H. C. R. No. 7.

The Chair laid before the Senate H. C. R. No. 7, requesting the Commissioner of Agriculture to appoint a suitable person to appear in Washington and present certain facts before the Agriculture Committee of Congress.

The resolution was read and adopted.

#### Senate Bill No. 17.

The Chair laid before the Senate as pending business the following bill:

By Senator Wirtz and others.

S. B. No. 17, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, etc., and declaring an emergency."

Senator McFarlane moved to reconsider the vote by which the previous question was ordered. The motion prevailed by the following vote:

#### Yeas—18.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
McFarlane.	Woodward.

#### Nays—7.

Beck.	Russek.
Hornsby.	Witt.
Love.	Woodul.
Pollard.	

#### Absent.

Hardin.	Miller.
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#### Absent—Excused.

Martin.	Small.
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(Pair Recorded.)

Senator Parrish (present), who

would vote yea with Senator Wirtz (absent), who vote nay.

Senator Woodul moved to make the bill special order for tomorrow morning after the morning call. The motion prevailed.

#### Senate Bill No. 38.

The Chair laid before the Senate on second reading the following bill:

By Senator Williamson.

S. B. No. 38, A bill to be entitled "An Act providing for the replevy by the defendant of personal property seized under sequestration; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 38 was put on its third reading and final passage, by the following vote:

#### Yeas—27.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

#### Absent.

Miller.	Wirtz.
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#### Absent—Excused.

Martin.	Small.
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The bill was read third time and finally passed by the following vote:

#### Yeas—27.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	McFarlane.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.

Pollard.	Williamson.
Russek.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent.

Miller.	Wirtz.
Absent—Excused.	

Martin.	Small.
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**Senate Bill No. 52.**

The Chair laid before the Senate on second reading the following bill:

By Senator Cousins:

S. B. No. 52, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across Lake Sabine at or near Port Arthur, Texas; etc., and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 52 page 56 of the Senate Journal by adding to the end of Section 14 the following:

"Provided further that said tolls collected from said bridge shall be accounted for annually to the State of Texas and as soon as a sufficient amount of money has been collected to pay for said bridge together with all necessary expenses of operation plus interest and then in that event said bridge shall become the property of the State of Texas and toll shall not be charged and all provisions in this bill to the contrary are hereby expressly repealed."

McFARLANE.

MOORE.

The amendment was read and lost by the following vote:

Yeas—10.

Berkeley.	Moore.
DeBerry.	Neal.
Hardin.	Parrish.
Hornsby.	Westbrook.
Hyer.	Woodward.

Nays—14.

Cousins.	Love.
Gainer.	Parr.
Greer.	Patton.
Holbrook.	Pollard.

Russek.	Williamson.
Stevenson.	Witt.
Thomason.	Woodul.

Absent.

Beck.	Miller.
Cunningham.	

Absent—Excused.

Martin.	Small.
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(Pair Recorded.)

Senator McFarlane (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

The bill passed to engrossment by the following vote:

Yeas—16.

Beck.	Patton.
Cousins.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Holbrook.	Thomason.
Love.	Williamson.
Parr.	Woodul.
Parrish.	

Nays—8.

Berkeley.	Hyer.
DeBerry.	Moore.
Hardin.	Neal.
Hornsby.	Westbrook.

Absent.

Cunningham.	Miller.
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Absent—Excused.

Martin.	Small.
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(Pairs Recorded.)

Senator McFarlane (present), who would vote nay with Senator Wirtz (absent), who would yea.

Senator Witt (present), who would vote yea with Senator Woodward (absent), who would vote nay.

Senator Cousins moved to suspend the Constitutional rule requiring bills to be read on three several days. The motion was lost by the following vote:

Yeas—20.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Gainer.	Love.

Miller.	Russek.
Neal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Witt.
Pollard.	Woodul.

Nays—6.

DeBerry.	McFarlane.
Hornsby.	Moore.
Hyer.	Westbrook.

Cunningham.	Woodward.
Wirtz.	

Absent—Excused.

Martin.	Small.
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**Senate Bill No. 75.**

The Chair laid before the Senate on second reading the following bill:  
By Senator Pollard.

S. B. No. 75, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government, for the balance of the fiscal years ending August 31, 1927, and 1929, and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendment:

Amend Senate Bill 75, printed in the Senate Journal of June 7, at pages 69, 70 and 71, by inserting immediately after the last item under Sec. 1 and immediately above the total the following:

To pay traveling expenses and actual and necessary living expenses of the Judges of the Courts of Civil Appeals incurred by them in hearing oral argument outside of their respective districts in cases transferred from one Court of Civil Appeals to another by order of the Supreme Court of Texas, during the fiscal years ending August 31, 1928, and August 31, 1929, for which blanket warrants have been issued by the State Comptroller of Public Accounts under the provisions of Chapter 51, page 148 Acts of the 40th Legislature First Called Session \$1837.86.

POLLARD.

The amendment was read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 75 by adding the following:

"To supplement fees, cost and per diem for the Eighth Judicial District for the fiscal year ending August 31, 1929, \$318.35."

MOORE.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 75 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent.

Woodward.	Wirtz.
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Absent—Excused.

Martin.	Small.
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The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent.

Wirtz.

Woodward.

Absent—Excused.

Martin.

Small.

**Motion to Set Special Order.**

Senator Love moved to set S. B. No. 20 as special order Wednesday morning after the morning call. The motion prevailed.

**Message From the Governor.**

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, June 13, 1929.

To the Honorable Forty-first Legislature:

At the request of members of the Legislature the following subjects are submitted for your consideration:

1. Amendment of Section 1, Chapter 55, Acts of the Regular Session of the Fortieth Legislature, to correct defects therein.

2. The amendment of Section 1, H. B. No. 196, passed at the First Called Session of the Forty-first Legislature, to correct defects therein.

3. The amendment of Chapter 314, Acts of the Regular Session of the Forty-first Legislature, to correct defects therein, and the enactment of laws to control the issuance of passes by persons, firms and corporations engaged as common carriers in transporting passengers and freight by motor vehicles.

4. The amendment of H. B. No. 180, passed at the First Called Session of the Forty-first Legislature, to correct defects therein.

5. The amendment of Article 1265, Revised Civil Statutes, 1925, to make it conform with the recent holding of the Supreme Court of Texas.

6. The enactment of statutes to give further effect to Section 59, of Article 16 of the Constitution in the formation of conservation and reclamation districts.

7. The amendment of H. B. No. 159, Acts of the Forty-first Legislature, First Called Session, to correct defects therein.

8. The amendment of S. B. No. 37, Acts of the First Called Session of the Forty-first Legislature.

9. The attached bill, by the Speaker of the House of Representatives, dealing with the filing of liens.

10. There have been so many requests for the submission of local game and fish laws that it is impractical to attempt to list them separately, and I herewith submit the subject of enacting laws dealing with conservation of wild game and fish in the counties of your respective districts.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.

**Senate Bill No. 77.**

The Chair laid before the Senate on second reading the following bill:

By Senator Pollard:

S. B. No. 77, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government of the State of Texas, for the fiscal years ending August 31, 1923, 1925, 1927, 1928, and 1929, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 77 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent.

Wirtz.

Woodward.

Present—Not Voting.

Martin.

Small.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Wirtz.	Woodward.
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## Absent—Excused.

Martin.	Small.
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## Simple Resolution No. 12.

Senator Parrish sent up the following resolution:

Whereas, W. H. Fuqua of Amarillo, Texas, one of the outstanding bankers and cattlemen of West Texas is within the bar of the Senate, therefore, be it

Resolved, That he be invited to address the Senate.

## PARRISH.

Read and adopted.

The Chair appointed Senators Parrish, Hyer, and Hornsby to escort Mr. Fuqua to the platform.

## Mr. Fuqua Speaks.

Senator Parrish introduced Mr. Fuqua who briefly addressed the Senate.

## Senate Bill No. 78.

The Chair laid before the Senate on second reading the following bill:  
By Senator Greer:

S. B. No. 78, A bill to be entitled "An Act making an appropriation of \$28,911.47, or so much thereof as may be necessary, payable out of the General Revenue not otherwise appropriated; etc., said appropriation being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1931; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Wirtz.	Woodward.
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## Absent—Excused.

Martin.	Small.
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Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Wirtz.	Woodward.
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## Absent—Excused.

Martin.	Small.
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## Senate Bill No. 79.

The Chair laid before the Senate on second reading the following bill:  
By Senator Greer:

S. B. No. 79, A bill to be entitled "An Act making an appropriation

for the benefit of Slocum Consolidated School District No. 5 of Anderson County on account of the recent destruction of the school buildings and property in the territory now composing said district; directing the expenditure of said money; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 79 was put on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Wirtz.	Woodward.
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## Absent—Excused.

Martin.	Small.
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Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Wirtz.	Woodward.
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## Absent—Excused.

Martin.	Small.
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## Senate Bill No. 47.

Senator Patton called up from the table the following bill:

By Senator Patton:

S. B. No. 47, A bill to be entitled "An Act making an appropriation for the erection of a Memorial Building in memory of David Crockett, Texas hero of the Alamo, in a park now owned by the city of Crockett; etc., and declaring an emergency."

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 47 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

## Absent.

Wirtz.	Woodward.
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## Absent—Excused.

Martin.	Small.
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Read third time and finally passed.

## Reason for Vote.

Senator DeBerry sent up the following:

On S. B. No. 47, on which there was no roll call, I vote no for this reason:

I do not think we have this amount of money to spend for this purpose. Our appropriation already exceeds our available revenue.

DeBERRY.

## Senate Bill No. 105.

The Chair laid before the Senate on second reading the following bill.

By Senator Thomason.

S. B. No. 105, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial dis-



trict in this State containing four or more counties having a combined population according to the latest U. S. census of not less than 45,100 and not more than 45,300; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 105 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent.

Wirtz. Woodward.

Absent—Excused.

Martin. Small.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent.

Wirtz. Woodward.

Absent—Excused.

Martin. Small.

#### Senate Bill No. 98.

The Chair laid before the Senate on second reading the following bill:  
By Senator Hornsby:

S. B. No. 98, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing eight or more counties having a combined population according to the latest United States census of not less than 50,500 and not more than 50,600 and prescribing the manner of the payment of same; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent.

Wirtz. Woodward.

Absent—Excused.

Martin. Small.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Stevenson.

Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.

Absent.

Wirtz.

Absent—Excused.

Martin.

Small.

**Senate Bill No. 31.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Witt:

S. B. No. 31, A bill to be entitled "An Act relating to the financial management and control of any incorporated city or town that has, or may hereafter, default in payment of bonds or other obligations lawfully issued thereby; etc., and declaring an emergency."

The Committee report carrying amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 31 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Wirtz.

Absent—Excused.

Martin.

Small.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Miller.	Witt.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Wirtz.

Absent—Excused.

Martin.

Small.

**Senate Bill No. 64.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Russek.

S. B. No. 64, A bill to be entitled "An Act to create Road District No. 1 in Lavaca County, Texas., etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Wirtz.

Absent—Excused.

Martin.

Small.

The bill was read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent.

Wirtz.

## Absent—Excused.

Martin.

Small.

## Adjournment.

On motion of Senator McFarlane the Senate, at 5:30 o'clock p. m., adjourned until 10:00 o'clock tomorrow morning.

## APPENDIX.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 38 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, June 12, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to who was referred S. B. No. 127 A bill to be entitled "An Act defining an emigrant agent, providing for the regulation and supervision of the business of Emigrant Agents; providing for the filing with the Labor Commissioner of Texas of an application stating certain facts connected with said applicant and providing for the issuance by said Commissioner of a State License, conditioned upon the filing of said license and paying the County Tax in each County in which said Emigrant Agent operates or

maintains an office and providing for the filing of a bond of \$5,000.00 with said Labor Commissioner to be approved by him, conditioned that said Emigrant Agent will give a statement in writing to each laborer hired to go beyond the limits of the State, a contract of employment and an agreement to provide or arrange, on written demand, for return transportation; etc. \* \* \* and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendments.

WIRTZ, Chairman.

## Committee Amendment No. 1.

Amend S. B. No. 127 by adding a new section, to be numbered 'Section 7,' and renumbering succeeding sections to conform; said new section to read as follows:

"Section 7. This Act shall also apply in all its terms and provisions to every other person, firm, corporation or association of persons hiring, enticing or soliciting laborers to be employed by him beyond the limits of this State, but not maintaining an office therefor, except that such other person, firm, corporation or association of persons, as used in this section, shall not be required to pay the occupation taxes in order to procure a license, but shall pay to the Labor Commissioner the annual license fee provided by this Act, and shall perform all the other provisions of this Act, and such license shall in that event be limited to such holder thereof hiring, enticing or soliciting laborers exclusively and only for said holder of such license: provided, however, that this section shall not apply to a person where the number to be employed for such person shall not exceed ten employees.

And also amend Section 2, by adding in the next to the last sentence in said section 2, after the word "law" and before the word "the," the following words:

"And pays to the Labor Commission of Texas an annual license fee of \$10.00."

And also amend Section 3, by adding after the words "State and County occupation taxes" and be-

fore the words "as provided by law," the following words, "and annual license fee."

Committee Amendment No. 2.

Amend Caption of S. B. No. 127 by inserting after the words "or maintains an office" and before the words "and providing for," the following words: "and paying the State Occupation Tax as provided by law and paying an annual license fee of \$10.00."

And also by inserting in the caption after the words: "and providing for reports of said Emigrant Agent to said Labor Commissioner," and before the words: "and providing that," the following words: "and providing that this Act shall also apply to every other person, firm, corporation or association of persons hiring, enticing or soliciting laborers to be employed beyond the limits of this State, but not maintaining an office therefor except as to payment of occupation taxes, but specially providing that this Act shall not apply where the number to be employed for the employers individual use shall not exceed ten (10) employees."

Committee Room,

Austin, Texas, June 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 117, A bill to be entitled "An Act fixing the fees and salary of the official shorthand reporters of the County Courts at Law in any county having a population of not less than 202,000 and not more than 203,000 according to the latest Federal Census and providing the manner of its payment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 126, A bill to be entitled "An Act providing that in all counties where the County Attorney per-

forms the duties of the County Attorney and District Attorney, the County Attorney may appoint one or more assistants who need not possess the qualifications provided for County Attorneys; providing for the manner of appointment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 124, A bill to be entitled "An Act fixing the compensation of District Attorneys in each Judicial District in this State containing four or more counties having a combined population, according to the 14th Census of the United States of the year 1920, of not less than 104,100 and nor more than 104,200; prescribing how the same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 12, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 125, A bill to be entitled "An Act providing for the conversion of interurban lines of railway in Texas into standard steam railroads, setting forth the conditions prerequisite to such conversion; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 112, A bill to be entitled "An Act making an appropriation the sum of Eighty Thousand (\$80,000.00) Dollars out of the general revenue of the State, not otherwise appropriated, for construction and surfacing roads and streets on the camp site of the National Guard at Palacios, Matagorda County, Texas, for the letting, form and signing of contracts; providing for a contractor's bond; providing for the method of payment; providing for the approval of all construction by the State Highway Engineer, or his designated representative, providing for the assistance of the State Highway Engineer, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 100, A bill to be entitled "An Act to amend Article 7482, and Article 7485, as contained in Chapter One of Title 128 of the Revised Civil Statutes of Texas; also to amend Article 7960, Chapter Five of Title 128 of Revised Civil Statutes of Texas, for the purpose of fixing adequate compensation of the members of the State Board of Water Engineers and of the Reclamation Engineer of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the amount of the salary be cut from Six Thousand Dollars (\$6,000.00) to Forty-eight Hundred Dollars (\$4,800.00), and that it do pass and be printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 130, A bill to be entitled

"An Act making appropriations out of the State Highway Fund to pay claims of certain persons, firms and corporations for money erroneously paid to the State Highway Fund for license fees on seating capacity of motor vehicles as provided by Article 820 of the Penal Code of Texas and Chapter 175 of the Acts of the Regular Session of the 38th Legislature, authorizing the issuance of warrants for the payment of said claims upon the taking effect of this act, providing that the provisions of Article 6694 of the Revised Civil Statutes of Texas with reference to the drawing of vouchers by the Chairman of the Highway Commission shall not apply to the payment of claims provided by this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 110, A bill to be entitled "An Act relating to State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the power of the State Board of Control and the Highway Department to buy supplies, produce and manufactured articles from the State Prison System for use by the State; providing for the establishment of a Prison Reformatory; providing for the segregation of young and first offenders; making an appropriation to carry into effect the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Penitentiaries, to whom was referred

S. B. No. 49, A bill to be entitled "An Act providing for the Board of Prison Commissioners to make recommendations to the Legislature of this State regarding the possible concentration and relocation of the prison system of Texas, and defining the personnel, powers, and duties of said Prison Board, and providing for the publication of the findings and recommendations of said Prison Board, and appropriating the sum of Twenty-five Thousand Dollars for the expenses of said Prison Board and for the expenses and compensation of its employees, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendments.

McFARLANE, Chairman.

#### Committee Amendment No. 1.

Section 1 shall be amended to hereinafter read as follows:

Section 1. That it carry out the intention of this Act, the Board of Prison Commissioners of the State of Texas, together with four members of the Senate selected by the Lieutenant Governor, and five members of the House, selected by the Speaker of the House, shall hereinafter be known as the Prison Commission, and said Prison Commission shall formulate its own rules and regulations and shall select its own Chairman and shall be authorized and directed to make a complete investigation of all matters pertaining to the concentration and relocation of the Penitentiary System of this State and the rehabilitation thereof, in compliance with the terms of this Act. That said Prison Commission shall meet within ten days after this Act becomes effective for the purpose of considering and developing plans to be submitted to the Governor and the Legislature, as hereinafter provided.

#### Committee Amendment No. 2.

That wherever the words, "Prison Board" are used in said Act, they shall be stricken out and the words, "Prison Commissioners," inserted in lieu thereof.

#### Committee Amendment No. 3.

The caption of the bill shall be amended to conform to the Committee Amendments.

(Minority Report.)

Committee Room.

Austin, Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Penitentiaries, to whom was referred

S. B. No. 49, A bill to be entitled "An Act providing for the Board of Prison Commissioners to make recommendations to the Legislature of this State regarding the possible concentration and relocation of the Prison System of Texas, and defining the personnel, powers and duties of said Prison Board, and providing for the publication of the findings and recommendations of said Prison Board, and appropriating the sum of Twenty-five Thousand Dollars for the expenses of said Prison Board and for the expenses and compensation of its employees, and declaring an emergency."

Have had the same under consideration, and beg leave to differ with the majority and recommend that the following bill to do pass in lieu thereof:

S. B. No. 114, A bill to be entitled "An Act providing for a Commission to be known as the Texas Prison Centralization Commission, to be composed of five members of the House of Representatives to be appointed by the Speaker, three members of the Senate of Texas to be appointed by the Lieutenant Governor; and one person who shall act as chairman to be appointed by the Governor; which Commission shall make recommendations to the Legislature regarding the possible concentration or relocation of the Prison System of Texas; and defining the powers and duties of said Commission; and providing for the publication of the findings and recommendations of the said Commission; and appropriating the sum of Twenty-five Thousand Dollars (25,000.00) for the expenses of said Commission, and for the expenses and compensation of its employees; and declaring an emergency."

WIRTZ.  
RUSSEK.

## (Majority Report.)

Committee Room,  
Austin, Texas, June 12, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 67, A bill to be entitled "An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61, of the Revised Civil Statutes of 1925 may retain; requiring the excess over such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass with committee amendment.

WIRTZ, Chairman.

## (Minority Report.)

Committee Room,  
Austin, Texas, June 12, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 67, A bill to be entitled "An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61, of the Revised Civil Statutes of 1925 may retain; requiring the excess over such maximum to be paid over to the county; requiring such officer to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; providing for the deduction of certain expenses in connection with delinquent tax suits out of the fees of office with consent of the commissioners' court; fixing the effective date of the Act; and declaring an emergency."

Have had the same under consideration, and beg to differ with the

majority of the Committee and report the bill back to the Senate with the recommendation that original bill do not pass, but that Committee Substitute do pass in lieu thereof.

SMALL.

By Parrish.

C. S. S. B. No. 67.

## A BILL

## To Be Entitled

An Act providing a maximum amount of compensation, salary, fees and commissions which officers mentioned in any article of Chapter 1, of Title 61, of the Revised Civil Statutes of 1925 in every county of whatsoever population may retain; requiring the excess over such maximum to be paid over to the county; requiring such officers to account for all fees, commissions, salary or compensation in addition to those which they are now required to account for; enacting other provisions and regulations incidental to the subject of this Act; providing for the deduction of certain expenses in connection with delinquent tax suits out of the fees of office with consent of the commissioners' court; fixing the effective date of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No officer mentioned in any article of Chapter 1, Title 61, of the Revised Civil Statutes of 1925, including all of said officers in counties of less than 25,000 population according to the last Federal Census as well as those in other counties, shall be entitled to retain more than Ten Thousand (\$10,000.00) Dollars annually as the total amount of fees, salary, commissions or other compensation. Each such officer shall make reports and account for fees as now provided by law and in addition thereto each such officer shall account for all fees, salary, commissions or other compensations which under the laws of this State he is not now required to account for. He shall include the same in the reports he is now required by law to make in reference to fees of office; provided, that it shall be his duty to make such reports in reference to all such fees, commissions, salary or other compensation whether he is earning any fees which under present laws he is required to account

for or not. The excess over and above \$10,000.00 per annum shall be paid over to the county by each such officer. It is the purpose of this Act to provide that no such officer shall in any event retain a total compensation, including all kinds of fees, salary, commissions or other compensation of more than \$10,000.00 annually, provided, that expenses necessarily and actually incurred for clerical or other help in connection with delinquent tax suits may with the consent of the commissioners' court be deducted out of fees of office and need not be taken into consideration in arriving at the maximum fixed by this Act.

Sec. 2. The fact that in some of the larger counties in this State certain officers are not required to account for certain fees of office and are making large amounts per annum, entirely out of proportion to the compensations that should be attached to their respective offices, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after January 1, 1931, and it is so enacted.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 132, A bill to be entitled "An Act relating to the duties of the county board of education and the county superintendent of counties with an area of eight hundred and eighty-nine square miles and a population of not less than 12,000 nor more than 15,000 according to the last preceding Federal Census; providing for the method of election of the county board of education; authorizing the appointment of the county superintendent and the employment of an assistant; authorizing the nomination of the teachers of the common school districts subject to the confirmation of the local trustees; authorizing the county superintendent to make all purchases for supplies when the consideration is more than \$25.00; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 108, A bill to be entitled "An Act to amend Article 2667, Revised Statutes 1925, providing for school trustees in all independent school districts at eleemosynary institutions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 128, A bill to be entitled "An Act validating, ratifying and approving the acts and proceedings of the county board of school trustees relating to annexation of territory to certain independent school districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 122, A bill to be entitled "An Act authorizing independent school districts in certain classes of counties to dispose of real property not needed for school property; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.



Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 107, A bill to be entitled "An Act to place all common and independent school districts having fewer than 500 scholastic population under the general law; repealing all laws in conflict except those relating to area and taxation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following Committee Amendment:

Amend S. B. No. 107 by adding after the word "Districts" at the end of Section 1, the following, to-wit: "Except independent school districts organized by special act of the Legislature, which have a scholastic population exceeding 150, and located in counties having an ex-officio school superintendent."

NEAL, Chairman.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

S. B. No. 141, A bill to be entitled "An Act fixing an open season or period of time for hunting, taking or killing wild mourning doves in Archer, Baylor, Clay, Knox and Young Counties and making it unlawful to hunt, take or kill same at any other time of the year; repealing any provision of law in conflict with this Act; and declaring an emergency."

Have had the same under consideration and beg to report same back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,  
Austin, Texas, June 12, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 121, A bill to be entitled "An Act fixing the compensation of District Attorneys in each Judicial

District composed of two or more counties; prescribing how the same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Small.

S. B. No. 121.

#### A BILL

#### To Be Entitled

An Act fixing the compensation of District Attorneys in each Judicial District composed of two or more counties; prescribing how the same shall be paid; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. District Attorneys in all Judicial Districts composed of two or more counties, shall receive from the State as pay for their services, the sum of \$500.00 per annum as provided by the Constitution, and in addition thereto, and in lieu of the fees, commissions, and perquisites provided by law, shall receive from the State the sum of \$10.00 for each of the first three hundred fifty days of every calendar year as compensation for attending examining trials, Habeas Corpus hearings, the sessions of the District Court of the District they represent, and for performing such other duties as imposed by law. The compensation provided for in this Act shall be paid monthly by the State upon warrants drawn by the Comptroller of Public Accounts, and it shall not be necessary for the District Attorney to file any account with the District Judge of the Comptroller of Public Accounts. Nothing in this Act shall be construed so as to deprive District Attorneys of the expense allowance now provided by law, nor shall this Act effect the salary or compensation of any District Attorney fixed by special law. All commissions, perquisites and fees allowed to and collected by District Attorneys in Districts composed of two or more counties shall be paid to the District Clerk of the county of his residence, who shall pay the same over to the State Treasury.

Sec. 2. The fact that this Act

more adequately provides for the compensation of District Attorneys in certain Judicial Districts, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate:

We, your Committee on Finance, to whom was referred

S. B. No. 32, A bill to be entitled "An Act making an appropriation to pay claims of certain persons for losses sustained by reason of the establishment by the State of a non-cotton zone in Brewster County, Texas, prohibiting such persons from growing cotton during the year 1928 by proclamation of the Governor, in accordance with the provisions of Articles 74 and 75 of Chapter 3 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Berkeley.

S. B. No. 32.

#### A BILL

##### To Be Entitled

An Act making an appropriation to pay claims of certain persons for losses sustained by reason of the establishment by the State of a non-cotton zone in Brewster County, Texas, prohibiting such persons from growing cotton during the year 1928 by proclamation of the Governor, in accordance with the provisions of Articles 74 and 75 of Chapter 3 of the Revised Civil Statutes of 1925, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of \$12,478.55, or so much thereof as may be necessary, and the same is hereby appropriated out of any funds in the general revenues not otherwise appropriated, to pay the claims of certain persons against the State for

losses sustained by reason of such persons being denied the right to grow cotton in Brewster county, Texas, in 1928, because of the establishment of a non-cotton zone by the State in said county during the year 1928, in accordance with the provisions of Articles 74 and 75 of Chapter 3, Revised Civil Statutes of 1925—and said appropriation being one half the amount found to be due by the Compensation Claim Board,—the other to be paid by the Federal Government in accordance with an act of Congress.

The following persons are entitled to the amounts set opposite their names as shown by order of the Compensation Claim Board approved at a meeting of said compensation claim board held at Alpina, Texas, in Brewster county on the 14th day of February 1929, and made of record in claim book No. 1 in the State Department of Agriculture at Austin, Texas—the same being one half the amount due them, the other half to be paid by the Federal Government.

Name	Postoffice	Amount
Louis Acosta, Castolon		\$ 229.00
Ruperto Chabarria, Castolon		36.42
R. W. Derrick, Castolon		1,554.20
Renalda Enrique Garcia, Castolon		23.33
Felix Gomez, Castolon		17.75
Graham Brothers, Alpine		450.00
Antonion Franco, Terlingua		102.50
Camriano Hernandez, Castolon		193.12
Guadalupe Hernandez, Castolon		83.00
Elmo Johnson, Castolon		2,036.00
La Harmonia Co., Castolon		6,331.42
Epifanio Martinez, Castolon		104.00
Alberto Molinar, Terlingua		137.75
Juan Molinar, Terlingua		15.75
Paz Molinar, Terlingua		57.25
Ramon Najar, Castolon		140.00
Deciderio Ortega, Castolon		80.85
Jesus Saiz, Castolon		105.50
Thos. V. Skaggs, Alpine		178.75
J. L. Sublett, Castolon		643.75

Totals \$12,478.55

Sec. 2. The appropriation herein made shall be paid out to the claim-

ants upon warrants issued by the Comptroller upon the State Treasurer for the amount due each claimant as shown in section one of the act, and the comptroller is hereby authorized to issue said warrants and the State Treasurer is authorized to pay the same.

Sec. 3. The fact that these claims are past due, and have been approved by the Compensation Claim Board in accordance with the law, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, which requires all bills to be read on three several days and said rule is hereby suspended and this act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 109, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties, cities and State Highway Commission for constructing roads and streets; providing that the sum of Three Hundred Thirty-One Dollars and Ninety-eight Cents appropriated to the County of San Patricio by Chapter 261, page 538, general and special laws, 41st Legislature, regular session, shall revert to the said Sand, Shell and Gravel Fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Holbrook, S. B. No. 109  
Cousins.

#### A BILL To Be Entitled

An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on

sand, shell and gravel used by counties, cities and State Highway Commission for constructing roads and streets; providing that the sum of Three Hundred Thirty One Dollars and Ninety-eight Cents appropriated to the County of San Patricio by Chapter 261, page 538, general and special laws, 41st Legislature, regular session, shall revert to the said Sand, Shell and Gravel Fund, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of the Sand, Shell and Gravel Fund of this State to pay refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties, cities and State Highway Commission in constructing roads and streets as provided for in Chapter 183, page 452, general laws of 39th Legislature, regular session:

City of Galveston (Jan. to Dec. incl.) 1928	\$ 714.15
City of Beaumont (Jan. 3, 1923 to Jan. 8, 1929)	2827.37
City of Goose Creek (April 29, 1924 to Sept. 1, 1925)	1,081.50
City of Alvin (yr. 1924)	81.41
City of Sinton (July 1928 to April, 1929, incl.)	99.90
Galveston County (Dec. 1928 to April 1929, incl.)	905.15
Harris County (Sept. 9, 1927 to Dec. 15, 1928)	3671.39
County of San Patricio (Dec., 1926)	1.88
County of Nueces (August to Sept. incl. 1928)	252.15
State Highway Commission (Jan. 31, 1925 to Sept., 1928)	1,563.98
Total	\$11,198.88

Section 2. The sum of Three Hundred Thirty One Dollars and Ninety-eight cents appropriated out of the Sand, Shell and Gravel Fund to the County of San Patricio by Chapter 261, page 538, general and special laws, 41st. Legislature, regular session, was made in error and the same shall revert to the Sand, Shell and Gravel Fund of this State.

Sec. 3. The fact that Chapter 183, page 452, general laws, 39th Legislature, regular session, provides for a refund of the tax collected on sand, shell and gravel used by counties, cities and State Highway Commission in the construction of roads and streets and the further fact that there has been no appropriation made to pay such refunds which are now accumulating in the office of the Game, Fish and Oyster Commissioner of this State, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 125, A bill to be entitled "An Act re-appropriating and extending the appropriation made for the Texas Department of Forestry of the A. & M. College for the purchase of forest land in the longleaf pine section, said appropriation being for the two fiscal years ending August 31, 1929, which appropriation is to be found at Page 341 of the general and special laws of the First Called Session of the 40th Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

POLLARD, Chairman.

By Thomason. S. B. No. 125.

#### A BILL

#### To Be Entitled

An Act re-appropriating and extending the appropriation made for the Texas Department of Forestry of the A. and M. College for the purchase of forest land in the longleaf pine section, said appropriation being for the two fiscal

years ending August 31, 1929, which appropriation is to be found at Page 341 of the general and special laws of the First Called Session of the 40th Legislature and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any money in the appropriation for the purchase of virgin state forest land lying in the longleaf pine section of the State, which appropriation was made for the Texas Department of Forestry of the A. and M. College and to be found on Page 341 of the general and special laws of the First Called Session of the 40th Legislature, is hereby re-appropriated and said appropriation is hereby extended for two years ending August 31, 1931.

Sec. 2. The fact that the purchases of said virgin state forest land have not yet been consummated and there is a necessity for said appropriation to be extended as provided in this Act to permit of further negotiations being made in reference to said lands, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Revenue Figures Ordered Printed in the Journal.

On motion made by Senator Hornsby and unanimously adopted by the Senate, the following excerpts from the speech of Senator Pollard on the floor of the Senate were ordered printed in the Journal:

In arriving at the possible revenues of the State of Texas for the next two years, the Senate Finance Committee, taking as a basis a tax rate of thirty-five cents (35c) on One Hundred Dollars (\$100.00) valuation ad valorem tax, received the following information from Hon. Bob Hardiman, Statistician of the Comptroller's Department, to-wit:

Estimated Receipts to General Revenue Fund for the Biennium Ending August 31, 1931.

Tax valuations for the year 1929—\$3,961,426,097.00

Estimated increase in valuations for

the year 1930.....	61,467,320.00	
Total valuations for 1930.....	\$4,022,893,417.00	\$4,022,893,417.00
Estimated increase in valuations for the year 1931.....	61,467,320.00	
Total valuations for 1931.....	\$4,084,360,737.00	\$4,084,360,737.00
Total valuation for the biennium.....		\$8,107,254,154.00
Less valuations that are remitted to the various counties		698,075,244.00
		\$7,409,178,910.00
Less 20 % for assessing, collecting and delinquents.....		\$1,481,835,782.00
		\$5,927,343,128.00
		.35
A 35c tax rate will produce .....		\$ 20,745,700.94
Receipts from sources other than ad valorem tax as based on the preceding years .....		28,019,505.66
Add 4% increase on receipts from sources other than taxation as a basis of previous increases .....		1,020,780.22
Total estimated income for the biennium ending August 31, 1931 .....		\$ 49,785,986.82

Estimated Receipts from all Sources other than Tax on Property. Credited to General Revenue Fund. Based on the Amount Received for the Fiscal Year Ending August 31, 1930, as Follows:

1-3 Poll tax .....	\$ 579,403.45
3-4 Occupation tax.....	229,907.97
Inheritance tax .....	978,937.34
3-4 Gross Receipts tax .....	6,294,804.36
Franchise tax .....	2,012,886.50
Miscellaneous Collec- tions .....	75,785.31
Receipts from Depart- ments .....	2,682,665.49
Redemptions collected .....	686,793.81
Insolvents & Supple- ments collected .....	306,646.59
Interest State Deposits .....	103,460.19
County Depository In- terest from Tax Col- lectors .....	16,891.59
Available Deaf & Dumb & Blind Insts. ....	9,992.91
Penalty & Interest .....	31,577.32
Total .....	\$14,009,752.83

In preparing the statement, Mr. Hardiman stated to the Finance Committee that the estimate of \$49,785,986.82 made by him was a very conservative estimate. The Finance Committee believes that, upon a thirty-five cent tax rate and upon increases from other sources of rev-

enue during the next two years, that in all probability, Texas will receive approximately Fifty-two Million Dollars (\$52,000,000.00) from the general revenue.

The State Treasurer has advised the Senate Finance Committee that there would not be any deficit in the State Treasury for the year ending August 31, 1929. Approximately Two Million Dollars (\$2,000,000.00) of the appropriation recommended by the Finance Committee and passed by the Senate will come out of the Highway Fund, the Game, Fish and Oyster Fund, and the fund created by the operation of the Bus Law and the new Truck Law. Therefore, appropriations totalling Fifty-four Million Dollars (\$54,000,000.00), in all probability, would not create a deficit during the two years ending August 31, 1931, if the Tax Board would levy a thirty-five cent (35c) tax rate. There are Fifty Million Dollars (\$50,000,000.00) worth of delinquent taxes due the State of Texas, a part of which should be collected during the next two years.

The chief increase in the budget as passed by the Senate includes the following: Rural Aid Bill which provides Six Million Dollars (\$6,000,000.00) for the biennium instead of Three Million Dollars (\$3,-

000,000.00) provided for the last two years; additional buildings to take care of insane who are now in jail and the increase of four hundred insane patients per year which must be cared for by the State of Texas; the organization of a tubercular hospital in connection with the State Sanatorium for Tuberculosis at Carlsbad to care for tubercular patients under twelve (12) years of age (there is no place for tubercular child patients under twelve years of age to be cared for in Texas at this time); the establishment of a tubercular sanatorium for insane at San Antonio in connection with the State Insane Hospital in order that insane tubercular patients may be removed from all Texas hospitals and treated separately from all other insane patients; the establishment of a pellagra and cancer hospital under the provisions of S. B. No. \_\_\_\_\_ by Beck, which passed the Regular Session of the Forty-first Legislature; additional buildings for all State educational institutions; additional salaries and creation of positions in State eleemosynary institutions to put into effect the ninety-four hour law in regard to employees employed by the State at eleemosynary institutions; additional buildings for various educational institutions of the State; the establishment of four experiment stations over the State; the natural increase and raise in salaries in all State Departments necessary for the efficient administration of State affairs.

The establishment of a cancer and pellagra hospital is necessary because of the increased death rate from pellagra and cancer, as furnished by J. C. Anderson, State Health Officer, on May 3, 1929, in a letter addressed to the Chairman of the Senate Finance Committee, as follows, to-wit:

"My dear Senator:

"A few days ago you made a verbal request for the number of cases and deaths of certain diseases in 1928, and if you remember, I asked that you make a written request in order that we may keep our files straight.

"Not having the written request, I will endeavor to give you the information as I remember it.

"No. cases of Pellagra reported	131
No. deaths from Pellagra.....	848
No. cases of Tuberculosis.....	731
No. deaths, pulmonary type.....	3623
and all other types, tuberculosis	280
No. deaths from cancer.....	2440

"Cancer is not made reportable by law.

"Hoping that this is the information you desired, I am

"Sincerely,

J. C. ANDERSON, M. D.  
State Health Officer."

The Finance Committee sent a letter to every County Judge in Texas concerning the number of insane in jail and the juvenile cases which had been sentenced and had no place to go, and from the information from two hundred thirty-six county judges, the following facts were found: Insane in jail sentenced to asylums and who can not be assigned to any State asylum because there is no place available, 130; insane awaiting trial who are either in jail or in the care and custody of some friends or members of the families of the insane persons, 74; making a total of 204. The natural increase of insane persons for the past few years has been four hundred annually, which necessitates an expense of several hundred thousand dollars annually in buildings and equipment to care for these unfortunates. There are now sixty-seven juvenile cases in Texas in which convictions have been had, and the juveniles have been forced to remain at large because there is no place for them to be properly cared for.

The Senate Finance Committee are proud of the appropriations which they have recommended because of the fact that Texas is a large, growing, prosperous State, a State whose people desire the best eleemosynary institutions, who desire to care for its unfortunates, who believe in the best educational institutions and advantages for all the people from the little red school house to the University.

The appropriation bills as recommended by the Senate Finance Committee and passed by the Senate will adequately care for and protect the poor, suffering unfortunates of Texas who are suffering from tuberculosis, cancer, pellegra, etc.; will

double rural aid appropriations heretofore made for each biennium, and guarantee at least a seven months school to each rural community; will probably finance all educational institutions of the State and insure an opportunity for the boy and girl of average means to obtain an education in some university or college in Texas.

If the House of Representatives will furnish sufficient revenue-producing measures in addition to the Fifty-Four Million Dollars (\$54,000,000.00) which can be appropriated out of funds, as heretofore stated, the entire amount of the appropriation bills as recommended by the Senate can be enacted into law, thus insuring an era of development and prosperity, enlightenment and happiness, never before known in the history of Texas.

#### TENTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, June 14, 1929.

The Senate met at 10 o'clock A. M. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Greer.

Absent—Excused.

Martin.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix).

#### Committee Reports.

(See Appendix).

#### Bills and Resolutions.

By Senator Miller:

S. B. No. 142, A bill to be entitled "An Act authorizing the Commissioners' Court of Wise county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 143, A bill to be entitled "An Act fixing the salary of the Court Reporter in each Judicial District in this State containing five counties having a combined population according to the latest United States census of not less than 68,690 and not more than 69,590; and prescribing the manner of the payment of same and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 144, A bill to be entitled "An Act regulating fishing and the taking of fish and shrimp in certain coastal waters; enacting prohibitions and penalties in connection therewith; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 145, A bill to be entitled "An Act amending Article 879g of the Penal Code of 1925 relating to open season for hunting, taking and killing wild bear and wild buck deer; fixing the open season for wild buck deer in certain counties and limiting the number and kind of buck deer that may be taken or killed in said counties; enacting provisions in reference to penalties for violating said Article 879g or the provisions of this Act; and declaring an emergency."